

REMARKS

The present request for amendment and reconsideration is made in response to the final Office Action mailed November 23, 2005, the period of response having been extended to April 23, 2006. The present amendment is being made to further clarify applicants' invention in light of the Examiner's interpretation of the cited reference.

In the Office Action, the rejection of Claims 1-20 as being anticipated by Seibel, U.S. Patent Application Publication No. 2001/0055462, under 35 U.S.C. § 102(b), was maintained. In response to the previous amendment, the Examiner has stated that applicants' arguments fail to comply with 37 C.F.R. § 1.111(b) because they amounted to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicants respectfully traverse the characterization of the response.

As previously set forth, applicants respectfully submit that nothing in the Siebel reference teaches or suggests a vision catheter that includes an image channel comprising one or more imaging fibers with a distal and a proximal end, the distal end having a field of view of an imaged area and a vibration generator for vibrating the distal end, the vibration of the distal end causing the distal end to move relative to the imaged area and thus increase the field of view wherein the vibration generator produces electromagnetic forces that are coupled to a metallic ring secured around one or more of the imaging fibers as set forth in Claim 1. Similarly, the reference doesn't teach or suggest a method of using one or more imaging fibers by vibrating the distal end of one or more fibers by applying an electromagnetic force to a metallic ring that is secured around the one or more imaging fibers, as set forth in Claim 10, or an imaging system including an imaging channel with one or more fibers and a motion generator comprising first

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

and second movement elements, wherein the first movement element comprises a metallic ring secured around the one or more fibers as set forth in Claim 15.

The Examiner states that "since the piezoelectric actuator 95 is positioned among the photon detectors 92 and since current would necessarily pass over the through [sic] actuator 95, piezoelectric actuator 95 is inherently metallic". It is the understanding of applicants' attorney that piezoelectric actuators are not metallic but are in dielectric crystals that do not conduct current. For example, see the definition of piezoelectric in the American Heritage Dictionary. In addition, Claims 1, 10 and 15 have been further amended to clarify that the metallic band is secured to the fiber and not positioned about it like a coil. Absent some teaching or suggestion of these combinations of elements/method steps within the cited reference, it is submitted that Claims 1, 10, and 15, as well as the claims that depend thereon, are allowable.

Although applicants' attorney believes that Claims 1-20 are allowable without further comment, applicants wish to further explain how the device disclosed in the Seibel reference differs from the present invention. In contrast to applicants' claimed invention, Seibel teaches the use of a ferrous bar 103 attached to the side of a cantilevered optical fiber 102 so that an electromechanical actuator 110, when energized with an electrical current flowing through a coil 112 that is wound around the coil 114, attracts the ferrous bar and causes the optical fiber to scan in a two-dimensional manner. A second electromechanical actuator is stated to be usable to provide a force in a direction orthogonal to that of the electromechanical actuator 110. However, only the single ferrous bar 103 is described as a mechanism for coupling the magnetic force of the actuator to the fiber. See Figure 3C and Paragraph 79. The use of a metallic ring to couple the force of the actuator to the fiber provides a distinct advantage over a ferrous bar because the ring is easier to attach and is less likely to come off as the fiber is bent by the operation of the

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

actuator. Because the use of a metallic ring in combination with the other elements of Claims 1, 10 and 15 is neither shown nor suggested by the cited reference, these claims are allowable.

It is therefore requested that the Examiner withdraw the rejection and pass this case to issue. If the Examiner has any additional questions regarding this application, the Examiner is invited to call applicants' attorney at the number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Rodney C. Tullett
Registration No. 34,034
Direct Dial No. 206.695.1730

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: April 21, 2006 _____ Pamela M. Jackson _____

RCT:pt

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100